

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

Minutes from the Meeting of the Planning Committee held on Monday, 1st July, 2019 at 9.30 am in the Assembly Room - Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor C J Crofts (Chair)

Councillors F Bone, C Bower, A Bubb, G Hipperson, M Howland, C Hudson, C Joyce, J Kirk, B Lawton, C Manning, T Parish, S Patel, C Rose, S Sandell, S Squire, M Storey and D Tyler

PC5: APOLOGIES

There were no apologies for absence.

PC6: MINUTES

The Minutes of the Meeting held on 3 June 2019 and the Reconvened Meeting held on 6 June 2019 were agreed as a correct record and signed by the Chairman, Councillor Crofts.

PC7: DECLARATIONS OF INTEREST

The following declarations of interest were declared:

Councillors Squire and Storey declared that they were County Councillors.

Councillor Storey also declared that in relation to item 8/2(b), he had had a financial transaction with the applicant a couple of years ago.

Councillor Crofts declared that he was a Member of the King's Lynn Internal Drainage Board.

PC8: URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business pursuant to Standing Order 7.

PC9: MEMBERS ATTENDING UNDER STANDING ORDER 34

The following Councillors attended pursuant to Standing Order 34:

<i>Name</i>	<i>Item</i>	<i>Application</i>
<i>Mrs A Dickinson</i>	<i>8/1(a)</i>	<i>17/00648/RMM</i>

<i>Mrs S Collop</i>	<i>8/1(a)</i>	<i>17/00648/RMM</i>
<i>M de Whalley</i>	<i>8/2(b)</i>	<i>19/00418/F</i>

PC10: **CHAIRMAN'S CORRESPONDENCE**

The Chairman, Councillor Crofts reported that he had not received any correspondence.

PC11: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of the late correspondence received after the publication of the agenda, which had been previously circulated, was tabled. A copy of the agenda would be held for public inspection with a list of background papers.

PC12: **INDEX OF APPLICATIONS**

The Committee noted the Index of Applications.

PC13: **DECISIONS ON APPLICATIONS**

The Committee considered schedules of applications for planning permission submitted by the Executive Director for Planning & Environment (copies of the schedules are published with the agenda). Any changes to the schedules are recorded in the minutes.

RESOLVED: That, the applications be determined, as set out at (i) – (viii) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chairman.

- (i) **17/00648/RMM**
King's Lynn: Land south of Russett Close: Reserved matters application: Construction of 61 dwellings with access, culvert, open space and landscaping: Boyer Investments Ltd

The Chairman reminded those present that Councillors Joyce, Hudson, Kirk and Lawton could not take part in determination of this application.

The Principal Planner introduced the report and explained that Members might recall that the application was deferred from the 3 June Committee meeting to allow further discussion and clarification on affordable housing, hedges on the boundary, heights and levels and cycleways. The report had been updated to include the further information requested.

The application site related to an irregular shaped parcel of land to the north of Gaywood River in King's Lynn. The site was bounded to the north and west by residential development. To the east was

countryside and to the south of the river was a recently constructed residential development site. The land which encompassed the proposal was 2 hectares in size.

The site already benefitted from outline planning permission for the construction of up to 81 dwellings, with access road (including bridge), cycle and pedestrian routes, landscaping and open space.

The application sought reserved matters for 61 dwellings with all matters of access, appearance, landscaping, layout and scale for consideration.

Access was shown to be from Russett Close with a bridge over the Black Drain providing vehicle and pedestrian access. A large area of open space was located at the entrance into the site with the main highway running east west to provide access to the dwellings.

The Principal Planner then outlined the key issues for consideration when determining the application, namely:

- Principle of development;
- Layout, scale and appearance;
- Affordable housing;
- Landscaping;
- Flood risk and drainage;
- Highway safety;
- Neighbour amenity;
- Implications on local wildlife;
- Air quality;
- Contamination;
- Crime and disorder; and
- Other third party concerns.

In accordance with the adopted public speaking protocol, Mr D Shaw (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Mrs Dickinson addressed the Committee in relation to the application. She explained that whilst the majority of residents did not object to the development in principle, their main concern related to drainage of the site and the current drainage problems experienced by the residents of Russett Close. She asked the following questions:

- Would the proposed development reduce or increase flooding on Russett Close?
- Would the bridge across the Black Drain be elevated?
- Was the area of public open space the lowest point of the development?
- Would the properties be built at a raised level?

- Would be driveways be constructed from permeable materials and could a covenant to be added to ensure that any replacement driveways were also of a permeable material?
- Emergency vehicle access?
- Pedestrian access to the south of the site was not guaranteed by the developer.

In accordance with Standing Order 34, Councillor Mrs S Collop addressed the Committee in relation to the application. She made reference to the bridge across the Black Drain and whether this could be removed. She also made reference to the roadway which was designed for Russett Close only and questioned whether this would be suitable to take more dwellings and traffic. She added that the residents were fearful that the hedgerow would be removed which would result in the loss of wildlife. She understood that the hedgerow belonged to the IDB, and could see no reason why there would be any change. Concerns had also been raised in relation to piling and the effect that this could have on the Black Drain and Gaywood River.

She also asked if the developers could be asked to tidy up the existing play area, which was currently an eyesore.

The Principal Planner provided responses to the questions raised as follows:

- In terms of whether the proposed development would improve the existing issues experienced by residents of Russett Close in terms of flooding, it was explained that it was not the responsibility of the applicant to resolve the existing issues being experienced in Russett Close. The relevant consultees were satisfied that the proposal put forward was acceptable subject to the discharge of conditions and would not exacerbate or create further problems elsewhere. The applicant had held extensive discussions with the Internal Drainage Board and LLFA and it was noted that the scheme could potentially result in improvements for the surrounding area.
- In relation to the bridge, it was explained that this had been approved at outline stage by the Planning Inspector and could not be negotiated.
- It was confirmed that the area of public open space was at the lowest point of the site and was also designed to be an attenuation basin.
- The properties would have a finished floor level of 3.5 m and would be no higher than the properties in Dairy Way and would have no impact on neighbouring properties.
- The Local Planning Authority could not request a covenant regarding construction materials for the driveways. In relation

to the adoption of roads, this had been clarified within the late correspondence and had been a condition of the outline planning permission.

- In relation to access for emergency vehicles, the Principal Planner explained that cars would be able to drive over the open space and it was assumed that this would be the same for emergency vehicles.
- Reference had been made to the pedestrian access to the south of the site, and it was explained that this could not be conditioned as it was outside the application site as the applicant did not own the land to the south.
- The roadway had been designed and the Local Highway Authority had raised no objection and this had been considered by the Planning Inspector at outline stage.
- With regards to ecology, again this had been considered at the outline application stage.

In response to a comment regarding the affordable housing provision, the Principal Planner explained that the location of some of the affordable housing had changed, in response to comments made by the Committee at the previous meeting, and highlighted the new location of the affordable housing on the plans.

Clarification was asked on the drainage issues. In response, the Principal Planner advised that Flood risk was dealt with in the officer's report and covered by conditions 19, 20 and 21. The Principal Planner also confirmed that the Internal Drainage Board and LLFA were satisfied with the scheme put forward by the applicant, in that the site could be drained appropriately and would not have an impact on the surrounding area, although the conditions on the outline consent still had to be discharged.

The Assistant Director advised that the applicant could not be required to alleviate the existing drainage problems and he suggested that the residents should approach their County Councillor for help. In addition, it had been indicated that the proposed drainage system for the scheme might help to alleviate the drainage issues currently being experienced.

Concern was expressed by some Members of the Committee that drainage conditions still needed to be discharged, and that these issues should be dealt prior to determination of the application.

Reference was made to the importance of the hedgerow in terms of ecology and this needed to be removed.

The Chairman advised that the IDB would not necessarily remove the hedge for the easement strip and left areas to nature wherever possible.

The Assistant Director explained that it was normal practice for conditions needing to be discharged and condition 7 would be discharged by the LLFA. No building works could commence until all the conditions had been discharged.

The Assistant Director also advised that the Council could not insist that the roads would be adopted and the future maintenance arrangements were covered by Condition 12. There had been a delay in determining the application as it had been subject to intense scrutiny.

RESOLVED: That the application be approved as recommended.

(ii) 19/00596/RM

Fincham: Ravenscroft, Main Road: Reserved matters application for two dwellings: Dr A Jones

The Principal Planner introduced the report and explained that the application site was located on the southern side of Main Road (A1122), Fincham and comprised part of the residential garden area of Ravenscroft, a large detached 1960s dwelling situated within a generous plot.

The current application sought reserved matters planning permission for two four-bedroom detached dwellings with garages.

The site had an extant planning permission for outline consent for two dwellings, with all matters reserved apart from access (ref: 16/00087/O).

The application had been referred to the Committee for determination as the recommendation was contrary to the views of the Parish Council.

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development;
- Highways / Access;
- Form and character and impact on Conservation Area;
- Neighbour amenity;
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr John Clinton Crowe (objecting) and Mr Ian Cable (supporting) addressed the Committee in relation to the application.

In response to questions from the Committee, the Principal Planner explained that outline planning permission was granted on 6 April 2016 for a period of three years. The current application was made on 2 April 2019.

With regards to accidents in the vicinity, it was explained that the Local Highway Authority had raised no objection to the application.

With regards to the impact on Fincham Hall, the Principal Planner explained that it was considered to be a significant distance away, and in the view of officers and the Conservation Officer there would be no detrimental impact on the hall.

The Principal Planner highlighted the street scene via google earth to demonstrate the style of properties in the vicinity. She also confirmed that the proposed materials were covered by Condition 2.

RESOLVED: That the application be approved as recommended.

(iii) 19/00418/F
Grimston: Land north of 105 and immediately west of 101
Leziate Drove, Pott Row: Proposed new build dwelling: Mr
John Sandle

The Principal Planner introduced the report and explained that the application site related to an area of land north of 105 and west of 101 Leziate Drove, Pott Row.

The proposed was the construction of a detached, two storey dwellinghouse. The site was located outside the settlement boundary for Pott Row in which new development was normally restricted in accordance with Policy DM2 of the Development Management Policies Plan 2016. There were however other material considerations in this case given that outline consent was approved in June 2016 on this site for two new dwellings.

The National Planning Policy Framework 2012, the King's Lynn and West Norfolk Core Strategy 2011 and the Site Allocations and Development Management Policies Plan 2016 were relevant to this application.

The application had been referred to the Committee for determination as the views of the Parish Council were contrary to the officer recommendation.

The Principal Planner then outlined the key issues for consideration when determining the application, namely:

- Principle of development;
- Form, character and amenity;
- Neighbour amenity;

- Highways;
- Affordable housing; and
- Other considerations.

In accordance with the adopted public speaking protocol, Shanna Jackson (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor M de Whalley addressed the Committee. He explained that he was also a Member of Grimston Parish Council. He added that the site was close to a SSSI and outside the development boundary. He referred to the importance of the gaps in the development. There was no access to a bus service and was an unlit road. He added that the outline consent for 2 dwellings should have no weight on the application for determination today and should be considered as a new dwelling in the countryside. He stated that the proposed dwelling was large with a mediocre design. He concluded that the application failed to accord with the NPPF paragraphs 78 and 79, Policy DM2 and DM22 of the SADMP and Policy CS06 of the Core Strategy.

In response to comments made, the Principal Planner explained that the fact that the site did have an existing consent was relevant, otherwise there would potentially be a different recommendation. It was considered that there was adequate spatial distance to the SSSI and no objection had been received from Natural England.

The Principal Planner highlighted on street view the other properties in the vicinity, which tended to be lower scale properties.

Reference was made to the fact that the Council could demonstrate that it had a healthy five year land supply and the loss of a unit would not have an effect on that. Also any proposal should reflect the street-scene.

Other Members of the Committee expressed concern in relation to the design and scale of the proposed new dwelling.

Councillor Squire proposed that the application should be refused on the grounds that the application detracted from the form and character of the area in terms of design and street-scene. This was seconded by Councillor Hudson and, after having been put to the vote, was carried.

RESOLVED: That the application be refused, contrary to recommendation for the following reasons:

The dwelling hereby proposed, through its design and large scale, would not preserve the character of the street-scene in the rural location in which it sits and would be an obtrusive and discordant form of development within the countryside contrary to the provisions of the NPPF and relevant Development Plan policies.

(iv) 19/00571/F
Heacham: Land adjacent 50 Hunstanton Road: Change of use of the land to horse field and proposed new access / crossover and gate: Norfolk Equine Services

The Principal Planner introduced the report and explained that the land was situated on the south-west side of Hunstanton Road, Heacham, approximately 120m south-east of Hall Close junction in an area designated as countryside.

The application sought to change the use of land on the south side of The Lodge, 50 Hunstanton Road, Heacham to a horse field with a new access / crossover.

The National Planning Policy Framework 2019, the King's Lynn and West Norfolk Borough Council Core Strategy 2011 and the Site Allocations and Development Management Policies Plan (SADMP) 2016 were relevant to this application.

The application had been referred to the Committee for determination at the request of Councillor Parish.

The Principal Planner then outlined the key issues for consideration when determining the application, namely:

- Principle of development;
- Highway safety;
- Ecology – birds nesting; and
- Other considerations.

In accordance with the adopted public speaking protocol, Patricia Hammond (objecting on behalf of the Parish Council) addressed the Committee in relation to the application.

The Principal Planner explained that the use related to the field being used for the grazing of horse but the keeping of horses was slightly different.

Concern was expressed that the new access could be used for future development of the site. The Chairman, Councillor Crofts advised that the Committee could only determine the application in front of them today.

In response to a question regarding the burning of waste on the site, the Principal Planner clarified that this would be dealt with by separate legislation.

Councillor Parish (Ward Member) stated that the new access would exacerbate the traffic issues along Hunstanton Road. He informed the Committee that the Parish Council had a speed awareness message

point just north of the site, which had recorded traffic from Hunstanton at an average of 915 and 1410 vehicles per day and an average of 1435 and 1209 in the direction to Hunstanton on two separate occasions in either direction, which demonstrated how busy the road was. The proposed new access would be directly opposite the access for a site of 9 new dwellings. Councillor Parish added that he had parked along Hunstanton Road and inadvertently held up the traffic for around 15 minutes.

He suggested that in this instance local knowledge should outweigh the advice from County Highways. He added that County Highways had also rejected another access for a horse field and therefore were not consistent with their advice.

The Assistant Director explained that County Highways had looked at the location of the new access in conjunction with the speed graphs submitted by the Parish Council and concluded that they had no objection to the application. They had also submitted clarification in relation to visibility splay requirements, as outlined in late correspondence.

Some concern was expressed by the Committee in relation to the need for a new access. In response, the Principal Planner explained that the future of the existing access was not secured.

The Principal Planner also advised that Condition 6 prevented the land from being used from commercial riding, breeding, training or livery purposes.

RESOLVED: That the application be approved as recommended.

(v) 19/00728/F
South Wootton: 36 The Birches: Proposed side 2 storey extension and installation of 1.8m green mesh fence: Mr & Mrs Harpham

The Principal Planner introduced the report and explained that the land was situated in The Birches, South Wootton approximately 50 m south of the access road serving the circular estate of dwellings from Priory Lane.

The application sought to construct a two storey extension of contemporary design and materials to abut the south-east elevation of a detached two storey dwelling at 36 The Birches, South Wootton.

The National Planning Policy Framework 2019, the King's Lynn and West Norfolk Borough Council Core Strategy 2011 and the Site Allocations and Development Management Policies Plan (SADMP) 2016 were relevant to this application.

The application had been referred to the Committee for determination as the applicant was an employee of the Borough Council involved in the planning process.

The Principal Planner then outlined the key issues for consideration when determining the application, namely:

- Principle of development;
- Form and character of the locality;
- Impact on neighbours; and
- Other material considerations.

Councillor Parish referred to Condition 3 and proposed that it be amended to include native species of hedge planting, which was agreed by the Committee.

RESOLVED: That, the application be approved, as recommended, subject to condition 3 being amended to include reference to native hedge planting.

(vi) 19/00790/F
South Wootton: The Pillary, 8 Walton Close: Two storey and single storey extensions to dwelling: Mr L Osler

The Principal Planner introduced the report and explained that the application site was situated on the west side of Walton Close, South Wootton and comprised a detached two storey dwelling.

The proposal sought permission for a two storey side extension to the south and a single storey extension to the north.

The application had been referred to the Committee for determination as the applicant was a member of staff involved in the planning process.

The Principal Planner then outlined the key issues for consideration when determining the application, namely:

- Principle of the development;
- Form and character;
- Neighbourhood amenity issues; and
- Other considerations.

In accordance with the adopted public speaking protocol, Mr P Bland (objecting on behalf of the Parish Council) addressed the Committee in relation to the application.

In response to a question as to why the proposal did not comply with South Wootton's Neighbourhood Plan, the Principal Planner advised that it related to Policy H3 (Infill Developments). The Assistant Director added that Policy H2 was more relevant.

The Committee was also advised that South Wootton Parish Council still objected to the proposal.

Councillor Joyce abstained from voting.

RESOLVED: That the application be approved as recommended.

(vii) **19/00743/O**

Terrington St Clement: Waterlow Nursery, Waterlow Road: Outline application for 2 storey dwelling in association with adjacent manufacturing and retail window business: Client of Hereward Services

The Principal Planner introduced the report and explained that the application site comprised an area of 0.19 ha of land with frontage onto the eastern side of Waterlow Road, Terrington St Clement. It was located approximately 300 m south of the junction with Hay Green Road, and within an area classed as countryside in the Development Plan. The site abutted an access and private drive which served Jon Chambers Windows and associated dwelling.

Outline permission was sought with all matters reserved for future consideration for a two storey dwelling in association with the adjacent manufacturing and retail window business. Indicative plans submitted with this application show access off the existing driveway to the business, and a 4 bedroomed house with integral garage sited broadly central on the proposed plot.

The site was also located within Flood Zones 2 & 3a plus Hazard Zone of the adopted Strategic Flood Risk Assessment (SFRA), and the application was accompanied by a site specific Flood Risk Assessment (FRA).

The application had been referred to the Committee for determination due to the appeal history relating to the overall site.

The Committee noted the key issues for consideration when determining the application, namely:

- Planning history;
- Principle of development;
- Impact upon appearance and character of the countryside;
- Flood risk; and
- Other material considerations

In accordance with the adopted public speaking protocol, Mr P Clarke (supporting) addressed the Committee in relation to the application.

In response to comments made by the public speaker, the Principal Planner explained that the proposal constituted a new dwelling in the

countryside remote from services and facilities. Any functional need was considered to be met by existing caravans occupied by Mr and Mrs Chambers; it had not been demonstrated that the need could not be met by existing dwellings available within the locality; and the enterprise was financially profitable and could sustain the development of a new dwelling.

Councillor Squire referred to the supporting case where it stated that she supported the application. Councillor Squire explained that at no point had she stated that she supported the application, she had only offered advice to the applicant. She commented that the applicant was a local employer, which was important for sustainability. She also queried whether an update had been received from the Environment Agency in response to the amended Flood Risk Assessment. She concluded that she could not see how a second property would affect anyone else other than the applicant.

The Principal Planner confirmed that the comments from the Environment Agency had not yet been received. She also confirmed that the caravans on the site were unauthorised.

Several Members of the Committee agreed with the officer recommendation as set out in the report.

The Principal Planner confirmed that the proposed new dwelling could be linked to the business, however officers considered that the proposal did not satisfy the relevant criteria as set out in policy DM6.

Councillor Joyce proposed that the application be approved subject to the new dwelling being tied to the existing business on the site on the grounds of encouraging businesses into rural areas. This was seconded by Councillor Squire who added that she did not consider that it could not be demonstrated that sufficient harm would be caused by the proposal.

The Committee then voted on the proposal to approve the application, subject to appropriate conditions to be agreed with the Chairman and Vice-Chairman, which was carried.

RESOLVED: That, the application be approved, contrary to recommendation, and subject to the imposition of appropriate conditions to be agreed with the Chairman and Vice-Chairman.

(viii) 19/00450/O

Walpole Cross Keys: Land west of Copperfield, Market Lane, Walpole St Andrew: Outline application: Residential development: Mrs Powell

The Principal Planner introduced the report and explained that this was an outline application with all matters reserved for residential development on land to the south of Market Lane, close to the junction

with Station Road South, within the parish of Walpole Cross Keys. It was a frontage site which was currently in use as part of a larger parcel of agricultural land. An indicative plan had been submitted showing 4 detached dwellings and associated garages.

There was an adopted Neighbourhood Plan, Walpole Cross Keys Neighbourhood Plan (June 2017) which identified the site as being outside the development boundary.

The application had been referred to the Committee for determination at the request of the Assistant Director.

The Principal Planner then outlined the key issues for consideration when determining the application, namely:

- Principle of development;
- Highways / access;
- Flood risk / drainage; and
- Other material considerations.

In accordance with the adopted public speaking protocol, Mr S Percival (supporting) addressed the Committee in relation to the application.

The Principal Planner outlined to the Committee the Neighbourhood Plan area. She explained that the proposed site was in the Council's opinion, outside the development boundary of the Neighbourhood Plan, however there had been disagreement between parties on how to interpret the Plan.

The Assistant Director explained to the Committee why the application had been referred to them to determine.

Councillor Joyce added that he was inclined to support the application as it included 2 and 3 bedroom houses.

RESOLVED: That the application be refused as recommended.

PC14: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That, the reports be noted.

The meeting closed at 12.15 pm